

West Dean and West Tytherley Neighbourhood Development Plan

Decision Statement: January 2022

1. Introduction

1.1 Under the Town and Country Planning Act 1990 (as amended), the Test Valley Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.

1.2 This statement confirms that the modifications proposed by the examiner's report have been accepted, the draft West Dean and West Tytherley Neighbourhood Development Plan will be altered as a result of it; and that this plan may now proceed to referendum.

2. Background

2.1 The West Dean and West Tytherley Neighbourhood Plan relates to the area that was designated by Test Valley Borough Council as a neighbourhood area in April 2020. This area corresponds with the West Dean and West Tytherley Parish Council boundaries, that lie within the Test Valley Borough Council and Wiltshire Council Areas.

2.2 Following the submission of the West Dean and West Tytherley Neighbourhood Plan to the Borough Council, the plan was publicised and representations were invited. The publicity period ended on 10 August 2021

2.3 David Hogger was appointed by Test Valley Borough Council with the consent of West Dean and West Tytherley Parish Council, to undertake the examination of the Neighbourhood Plan and to prepare a report of the independent examination.

2.4 The examiner's report concludes that subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

3. Decision

3.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

3.2 Having considered each of the modifications made by the examiner's report and the reasons for them, and the modifications to reflect comments made Test Valley Borough Council and Wiltshire Council in consultation with West Dean and West Tytherley Parish Council have decided to accept all the modifications to the draft plan. Table 1 below outlines the alterations made to the draft plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the modifications required in response to comments made at the Regulation 16 consultation. This statement should be read alongside the Examiners report.

TABLE 1

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Test Valley Borough Council	Comment	Appendix C	Policy Evidence Table. All references to the NPPF will need to be updated to reflect the July 2021 version.	PM	Factual update as set out in para 2.4 of examiners report	Accept Examiners Modification
Wiltshire Council	Comment	Policy titles	The NP Steering Group may wish to consider revising the policy titles as they are more akin to policy objectives and some are very lengthy. The previous iteration of the NP took a more concise and possibly more logical approach to the policy titles. For example Policy EL4 might be simply renamed as Policy EL4: Landscape Protection and Enhancement	PM	See examiners PM's 8,11,13,15,20,23,26,28,37,39,43,47,49,52,54,57,64 and 68.	Accept Examiners Modification
Test Valley Borough Council	Comment	Section 5	The policy titles are the same as the objectives, which can cause confusion and have overly long titles. Suggest that they are all shortened to reflect the purpose of the policy.	PM	See examiners PM's 8,11,13,15,20,23,26,28,37,39,43,47,49,52,54,57,64 and 68.	Accept Examiners Modification
Examiners Modification	Modification	Paragraph 1.3.5		PM1	<p>Delete paragraph 1.3.5 in its entirety and insert new text to read:</p> <p>1.3.5 Natural England, as the statutory consultation body were consulted on the Regulation 16 Plan for Habitats Regulations Assessment and Natural England, the Environment Agency and Historic England were consulted on the Strategic Environmental Assessment screening.</p> <p>1.3.6 An Appropriate Assessment was undertaken for Mottisfont Bats Special Area of Conservation, New Forest Special Protection Area and the Solent Region International Sites (Special Area of Conservation, Special Protection Area and Ramsar).</p> <p>1.3.7 In summary, in the opinion of Natural England, the Regulation 16 Plan as originally submitted was likely to have a significant effect on European sites in the absence of avoidance and mitigation measures. Therefore, further wording was advised for relevant policies within the Plan to address the impacts on the international sites.</p> <p>1.3.8 The consultation response from Natural England, has indicated that providing the Plan is updated to include the advised mitigation wording as set out in Table 2 of the Appropriate Assessment, it can be concluded that the policies contained within the West Dean and West Tytherley Neighbourhood Plan would not lead to any adverse effects on the integrity of any European sites, either alone or in-combination with other plans. The proposed Neighbourhood Plan would not be likely to have significant environmental effects.</p> <p>1.3.9 Natural England, the Environment Agency and Historic England, were consulted by the Council on the Strategic Environmental Assessment screening determination. Natural England, Historic England and the Environment Agency agreed with the screening determination of the Councils that the Plan is not likely to have significant environmental effects and therefore an SEA is not required.</p>	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
					Note: The JNP paragraphs 1.3.6, 1.3.7 and 1.3.8 follow on from paragraph 1.3.9 above so will have to be re-numbered.	
Examiners Modification	Modification	Page 8		PM2	Insert new paragraph 1.3.13 (following on from those referred to in PM1 above) to read: The Neighbourhood Plan has been considered in light of the review of the Local Plans which cover the Parishes. There are no substantive conflicts in the relationship between the emerging spatial strategy, the adopted Development Plan and this Neighbourhood Plan. When the Local Plans are adopted then this Plan will need to be reviewed to ensure that no conflicts occur.	Accept Examiners Modification
Test Valley Borough Council	Comment	Objective HD3	These objectives relate to new housing and general design principles – why are business uses included?	PM3	In the Table of Objectives, under HD3, replace business with ancillary .	Accept Examiners Modification
Examiners Modification	Modification	Page 22		PM4	Insert a new sub-heading and paragraph, following paragraph 5.1.4, to read: Policies Map. Maps A1, A2 and A3 in chapter 10 identify the views and Local Green Space designations as referred to in policies EL4 and EL9. Once the Plan is made, these designations will form part of the Wiltshire Council and Test Valley Borough Council Policies Map.	Accept Examiners Modification
Examiners Modification	Modification	para 5.1.4		PM5	Insert a new sub-heading and paragraph after the new paragraph recommended in PM4 above to read: Internationally Designated Sites. The Plan Area sits within the catchment of the internationally designated sites of Mottisfont Bats Special Area of Conservation, the New Forest Special Protection Area, the Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation. Development in the Plan area will only be supported provided the requirements under the Habitats Regulations are fully adhered to and impacts on internationally designated sites can be avoided or, where this is not possible, appropriately mitigated at the planning application stage. Where impacts on internationally designated sites are considered likely to occur, such impacts must be fully assessed and appropriately mitigated where required at planning application stage.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL1		PM6	Replace the policy title with: Policy EL1 Rural Landscape .	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Wiltshire Council	Object	Policy EL1	Policy EL1 states that '... development proposals should ... v. consider Rural Exception Sites in open countryside where there is a specific need' This is contrary to Core Policy 44 of the Wiltshire Core Strategy which requires Rural Exception Sites to be 'within, adjoining or well related to the existing settlement.'	PM7	See text below for full text	Accept Examiners Modification
Friends and Trustees of Bentley Wood	Comment	Policy EL1	Add 'Conserve' to the beginning of the policy heading. Add the following to the end of the policy heading 'and ensure that the existing open countryside is maintained' After 'development proposals' delete 'that conserve and if possible enhance the' and replace with 'must preserve and enhance the natural beauty and' . After 'rural landscape' add ' as well as the open gaps between existing settlements'. Bullet i) insert 'the' after 'reflect'. End of bullet ii) add 'and not result in loss or degradation of any rights of way, ancient woodland and or any associated biodiversity and related features' Delete criteria v).	PM7	See text below for full text	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL1	Maintain and if possible Conserve and enhance the character of the two villages and their setting in a beautiful rural landscape. Development proposals that conserve and if possible, or enhance the character of both parishes and their settings the Plan Area in a beautiful rural landscape will be supported. In particular development proposals should: i. reflect settlement pattern of the neighbourhood (nucleated, lineated or dispersed) ii. retain ancient woodland, its setting or historic features within it and, where appropriate, must contribute to its on-going management. iii. conserve the ecology and productivity of fields , woodland, trees and hedgerows, iii. iv. Retain historic field boundaries, and direct development away from medieval or earlier fields, especially where these form coherent field systems with other medieval features such as the Roman Road. iv. v. relate well to historic route ways and not divert them from their original course or damage their rural character by loss of banks, hedgerows, verges or other important features. v. vi. consider Rural Exception Sites in open countryside in accordance with both Local Plan policies where there is a specific need. Any such development proposals need to strictly meet conform with other relevant all other NDP policies.	PM7	Modify the policy to read: Development proposals that conserve and if possible or enhance the character of both parishes and their settings the Plan Area in a beautiful rural landscape will be supported. In particular development proposals for new dwellings or structures on sites that form part of an existing residential garden, or group of gardens, should: i. reflect the settlement pattern of the neighbourhood (nucleated, linear or dispersed). ii. retain ancient woodland, its setting or historic features within it, and where appropriate must contribute to its on-going management. iii. conserve the ecology and productivity of fields, woodland trees and hedgerows, historic field boundaries., and direct development away from medieval or earlier fields, especially where these form coherent field systems with other medieval features such as the Roman Road. iv. relate well to historic route ways and not divert them from their original course or damage their rural character by loss of banks, hedgerows, verges or other important features. v. consider Rural Exception Sites in open countryside where there is a specific need. Any such development proposals need to strictly meet all other NDP policies.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL2		PM8	Replace the policy title with: Policy EL2 Heritage.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL2	<i>Preserve or enhance the historic environment. i. Development proposals must retain and, if possible, should preserve or enhance the local distinctiveness and character of designated heritage assets such as ancient monuments, listed buildings, and non designated heritage assets buildings of local interest (both the building and its location), whether for residential, community, or business purposes. The policy could identify and list the non-designated heritage assets that the policy will refer – ie those that are listed in the CA Appraisal and shown on the maps below as buildings of local interest . Criteria ii) The language used should be consistent with the Local Plan and NPPF. This is the wrong test to apply. This is addressed in the TVBC LP Policy E9 on Heritage and does not need repeating here. Criteria iii) What is a historic building, is it a listed building and non-designated heritage asset or something else. Keep the language consistent. What is an "appropriate use for the building and its location", what is the criteria to assess this? This is addressed in the TVBC LP Policy E9 on Heritage and does not need repeating here. Criteria vi) The language used should be consistent with the Local Plan and NPPF. What does the last sentence mean to a developer or the Council? Archeological sites are designated heritage assets, therefore are covered in TVBC LP Policy E9 on Heritage and therefore this does not need repeating here.</i>	PM9	Modify policy EL2i to read: Development proposals must retain and if possible should preserve or enhance the local distinctiveness and character of designated heritage assets, such as ancient monuments, listed buildings, and buildings of local interest (both the building and its location), whether for residential, community or business purposes non-designated heritage assets.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Examiners Modification	Modification	Policy EL2		PM10	Policy EL2ii. Modify the start of the clause to read: Similarly p Proposals for development ...	Accept Examiners Modification
Examiners Modification	Modification	Policy EL3		PM11	Replace the policy title with: Policy EL3 Conservation Areas.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL3	Preserve and or enhance the two Conservation Areas. Development proposals, including extensions and alterations to existing buildings and structures, located within or adjacent to the designated CAs are required will be supported provided they to preserve and or enhance the CA character and appearance. New development and should: This is covered in TVBC LP Policy E9, and as designated heritage assets is also addressed in policy EL2 above. This does not need repeating here and the policy should be deleted. Criteria i) Should the design also relate to the building itself if and extension or alteration? Criteria ii & iii) Should the design also relate to the building itself if and extension or alteration? Criteria iv) This is addressed in policy EL4 and does not need repeating here.	PM12	Modify the introductory sentence to read: Development proposals, including extensions and alterations to listed buildings and structures, located within or adjacent to the designated CAs are required will be supported provided they to preserve and or enhance the CA character and appearance. New development and should:	Accept Examiners Modification
Examiners Modification	Modification	Policy EL4		PM13	Replace the policy title with: Policy EL4 Important Views.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL4	Protect and or enhance our distinctive landscape including open views within and out of the villages. that contribute to a sense of place and community. Any dDevelopment proposals (housing, commercial or agricultural) will need to ensure it protects and if possible enhances the important natural and rural views within and on the fringes of the two villages especially those identified in the designated CAs. the Plan Area. Views from green spaces and public rights of way across the entire neighbourhood should not be harmed or unduly spoilt by any development. The important views ...	PM14	Modify the first sentence in the introductory paragraph to read: Any development proposal (housing, commercial or agricultural) Development proposals will need to ensure it protects and if possible enhances the important natural and rural views within and on the fringes of the two villages especially those identified in the designated CAs. the Plan Area.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL5		PM15	Replace the policy title with: Policy EL5 Trees and Hedgerows.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL5	i. Development proposals should, where possible, conserve and or enhance trees and hedgerows, and demonstrate that the proposals would not result in an unacceptable loss or damage to, existing trees, or woodlands or hedgerows during or as a result of development.	PM16	Modify policy EL5i to read: Development proposals should, where possible, conserve and enhance trees and hedgerows ...	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL5	ii. Wherever possible, development proposals must be designed to retain specifically identified trees and hedgerows of good arboriculture quality.	PM17	Modify policy EL5ii to read: Wherever possible, development proposals must be designed to retain trees and hedgerows of good arboriculture quality.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL5	Criteria iv) The Parish council will only be responsible for trees and hedgerows on its own land, therefore this will not be appropriate. This is usually dealt with by requiring applicants to demonstrate that development will not result in the loss of key landscape features either through direct pressure (siting) or indirect pressure (occupation) rather than costed management plans.	PM18	Modify policy EL5iv by deleting the last section: trees and hedgerows. without providing added financial burden to the Parish Council.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL5		PM19	Modify policy EL5v by deleting the 'v' and put a colon after 'then:'. Renumber the subsequent clauses accordingly.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL6		PM20	Replace the policy title with: EL6 Ecosystem and Biodiversity.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Test Valley Borough Council	Comment	Policy EL6	Conserve and, where possible, enhance the local environment, ecosystem and biodiversity ensuring that new development protects flora and fauna including habitats and movement corridors. Development should preserve conserve and if possible enhance well-established features of the environment, ecosystems, and biodiversity, including mature trees, species-rich hedgerows, watercourses, and other ecological networks, together with the habitats alongside them, including ponds.	PM21	Modify the start of the policy to read: Development should preserve conserve and if possible enhance well-established features ...	Accept Examiners Modification
Examiners Modification	Modification	Policy EL7		PM22	Replace the policy title with: EL7 SSSI, CWS and SINCS.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL8		PM23	Replace the policy title with: EL8 Open Countryside and Public Rights of Way.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL8	This is addressed in the local plans where there is a presumption against development within the open countryside therefore this is not needed in this plan. This is covered in IC2 and does not need repeating here. This is more onerous than either of the Local Plans. Development in the countryside is covered by the existing Local Plan policies of COM2 and CP2, and so does not need to be repeated here.	PM24	Modify policy EL8v by deleting Historic in clause (v).	Accept Examiners Modification
Test Valley Borough Council	Comment	Para 5.2.9	More widely Test Valley Borough Council's Green Infrastructure Strategy July 2014 sets out how to protect and enhance green infrastructure including through policies in NDPs. This is not connected with the Local Green Space designation.	PM25	Delete the second sentence: More widely Test Valley Borough Council's Green Infrastructure Strategy July 2014 sets out how to protect and enhance green infrastructure including through the policies in NDPs.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL9		PM26	Replace the policy title with: EL9 Local Green Spaces.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL9	Retain and protect open spaces and dDesignated Local Green Spaces. Development proposals partially or wholly on the identified Local Green Spaces will only be supported when it is essential to meet necessary utility infrastructure needs and no alternative feasible site is available. The areas designated as Local Green Spaces, shown on the maps A2 and A3 and Appendix B1 are: designated as LGS3 West Tytherley Recreation Ground LGS2 West Dean Recreation Ground LGS1 West Dean Village Green (See Appendix B1 for definitive area) Development will be managed in a manner consistent with that applicable to designated Green Belt. The test what is permitted in a local green space designation are set out in the NPPF under the Green Belt paragraphs 143 to 147 and don't need to be repeated in policy, but the additional wording at the end of the policy would address this matter. As written if an application came forward for a pavilion or play equipment on the recreation ground this it would be contrary to policy and would have to be refused	PM27	Replace the entire policy with: The areas designated as Local Green Spaces, as shown on Maps A2, A3 and in Appendix B1 are: LGS1 West Dean Village Green LGS2 West Dean Recreation Ground LGS3 West Tytherley Recreation Ground Development will be managed in a manner consistent with that applicable to designated Green Belt.	Accept Examiners Modification
Examiners Modification	Modification	Policy EL10		PM28	Replace the policy title with: EL10 Light and Noise Pollution.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy EL10	Should this be two policies one for dark skies and one for noise? What are 'the highest standard of light pollution restrictions in force at the time' as referred to in the policy? What is neighbourly in its use? What is the evidence for the bulleted list ? These considerations would be addressed as part of a planning application, if it were to be deemed that these issued would arise. This would be supported from consultation with the Councils Environmental Health officers, and does not need repeating here. <i>Footnote 40 on Quiet times</i> What is the evidence for this?	PM29	Modify the policy EL10 by deleting highest in the first line and replacing it with appropriate.	Accept Examiners Modification
Wiltshire Council	Comment	Mottisfont Bats SAC	Due to there being no strategic allocations for the section of the NDP area that lies within Wiltshire, and no allocations proposed in the NDP, it is deemed likely that any forthcoming proposals for development would be relatively small-scale and would likely comprise windfall development or rural exceptions sites. Furthermore, on the basis that the recommendation set out below is incorporated within the NDP, it is considered possible to conclude, beyond reasonable scientific doubt, that the NDP would not lead to adverse effects on the integrity of the Mottisfont Bats SAC or its qualifying features, alone or in combination with other plans and projects. It is recommended that the dedicated bat conservation policy is supported by text explaining that the NDP area lies within the 7.5km consultation zone for	PM30	See text below for full modification	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
			<p>Barbastelle bats associated with the Mottisfont Bats SAC and that applications for development will only be permitted by Wiltshire Council where it can be demonstrated that the proposals would not result in an adverse effect on the integrity of the SAC and would be compliant with the Habitats Regulations. It is suggested that explanatory text and the bat conservation policy is worded along the lines of the following: "Explanatory Text. The NDP area holds high potential for all species of bats due to its rural nature with interconnected woodlands and hedgerows. Of particular note is the potential for the area to support Barbastelle bats. This rare species breeds in woodlands near Mottisfont which are protected through the designation of the Mottisfont Bats Special Area of Conservation. The bats make use of a much wider area around the designated site and could potentially be foraging and breeding at satellite sites in the NDP area. Consequently new development will need to demonstrate that it has taken bats and this species in particular into account, identifying whether these bats may be using the development site and if so, the measures that will be put in place to protect and enhance their habitat. Bat Conservation Policy. 'Proposals for development shall be formulated with due regard to any relevant guidance such as the Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire. Planning applications for development shall be supported by an appropriate level of ecological survey undertaken in accordance with best practice survey guidelines. This will establish the ecological baseline in respect of bats and thereby determine the need for, and inform the formulation of any avoidance, mitigation and where required as a last resort, compensation measures necessary as part of the project design, to ensure no adverse effect on the integrity of the Mottisfont Bats Special Area of Conservation (SAC) over the lifetime of the proposed development and to promote the conservation of bats generally. The above information will be required to enable the planning authority to assess planning applications under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (or any subsequent amendments) and confirm there is no reasonable scientific doubt of any adverse effects to the SAC."</p>			
Examiners Modification	Modification	Para 5.2.11		PM30	<p>Insert a new paragraph 5.2.11 (after policy EL10) under heading of: Mottisfont Bats Special Area of Conservation The Plan area holds high potential for all species of bats due to its rural nature with interconnected woodlands and hedgerows. Of particular note is the potential for the area to support Barbastelle bats. This rare species breeds in woodlands near Mottisfont which are protected through the designation of the Mottisfont Bats Special Area of Conservation. The bats make use of a much wider area around the designated site and could potentially be foraging and breeding at satellite sites in the Plan area. Consequently, new development will need to demonstrate that it has taken bats and this species in particular into account, identifying whether these bats may be using the development site and if so, the measures that will be put in place to protect and enhance their habitat.</p>	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Examiners Modification	Modification	Policy EL11		PM31	<p>Insert a new heading and new policy (EL 11)</p> <p>Policy EL11 Mottisfont Bats Special Area of Conservation</p> <p>Where direct or indirect impacts on suitable roosting, foraging and commuting habitats for Barbastelle bats are considered likely to occur, such impacts must be fully assessed, avoided and, where required, appropriately mitigated to prevent any adverse impacts on this internationally protected site at the planning application stage. This should be in full accordance with relevant best practice guidelines and must fully adhere to any updates to the guidance issued following the approval of this Plan.</p> <p>Planning applications for development shall be supported by an appropriate level of ecological survey undertaken in accordance with best practice survey guidelines. This will establish the ecological baseline in respect of bats and thereby determine the need for, and inform the formulation of any avoidance, mitigation and where required as a last resort, compensation measures necessary as part of the project design, to ensure no adverse effect on the integrity of the Mottisfont Bats Special Area of Conservation (SAC) over the lifetime of the proposed development and to promote the conservation of bats generally.</p> <p>Exterior lighting affecting roosting, foraging and/or commuting habitat for bats will need to conform with the latest best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (current guidelines being Guidance note 08/18 Bats and artificial lighting in the UK) due to the proximity to the Mottisfont Bats SAC.</p> <p>The above information will be required to enable the planning authority to assess planning applications under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (or any subsequent amendments) and confirm there is no reasonable scientific doubt of any adverse effects to the SAC.</p>	Accept Examiners Modification

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Examiners Modification	Modification	Para 5.2.12		PM32	<p>Insert new text in new paragraph 5.2.12 and new policy EL12 to read:</p> <p>New Forest Special Protection Area The New Forest Special Protection Area has been designated to protect certain bird species which occur frequently in the New Forest area but are otherwise rare or declining. Several of these species are however susceptible to recreational pressure. Consequently, the National Park Authority is working with authorities on its boundaries to address the impacts from walkers and dog walkers who arrive as day visitors and staying tourists. All development coming forward in the Plan area has the potential to increase the number of day visitors to the New Forest. Wiltshire Council and Test Valley Borough Council are therefore addressing this through their own recreation mitigation strategies. Residential and tourism developments will therefore be required to contribute to the relevant authority's strategy through the Community Infrastructure Levy or Section 106 Agreements.</p>	Accept Examiners Modification
Examiners Modification	Modification	Policy EL12		PM32	<p>Policy EL12 New Forest Special Protection Area New residential development and overnight accommodation within the New Forest SPA recreation buffer zone will need to mitigate against the recreation pressure on the New Forest Special Protection Area. This could be in the form of a financial contribution or provision of alternative natural green space for recreational use to the standard in force at the time of the application. Such mitigation measures must be secured for the duration of the development's effects and must fully adhere to any updates to the guidance issued following the approval of this Plan.</p>	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Examiners Modification	Modification	Para 5.2.13		PM33	<p>Insert new text (as paragraph 5.2.13) and a new policy: Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation.</p> <p>New text to read:</p> <p>The whole of the Plan area lies within the catchment of the River Test which flows into the Solent where wildlife of marine, tidal and intertidal areas is protected by a number of international designations. Natural England has advised these designations are being adversely affected by the nutrients associated with sewage and agricultural runoff and that the restoration of these sites partly depends on ensuring new development does not generate any additional nutrient inputs. Natural England is placing particular emphasis on nitrogen as this is considered to have an overriding impact in these saltwater habitats. Hence all development proposals in the Plan area will need to demonstrate they are nitrogen neutral in accordance with Natural England guidance. Test Valley Borough Council and Wiltshire Council who will carry out the necessary assessment of developments under the Habitats Regulations, may require developers to demonstrate that Natural England has assessed and agreed their calculations and mitigation proposals prior to an application being submitted and/or determined. In due course strategic mitigation schemes may become available which enable developers to purchase nitrogen credits to the value of the increased nitrogen levels their developments are calculated to generate.</p>	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Examiners Modification	Modification	Policy EL13		PM33	<p>Policy EL13 Solent and Southampton Water SPA and Solent Maritime SAC.</p> <p>Applications for development that will result in a net increase in nitrogen reaching the Solent Region International Sites through e.g. additional units of overnight accommodation or increased intensity of farming will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that will be implemented in order to ensure development is nutrient neutral from the start of its operational phase. Such mitigation measures must be secured for the duration of the development's effects. A financial contribution to strategic mitigation measures may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with the relevant Council, Test Valley Borough Council or Wiltshire Council and Natural England to confirm an appropriate mitigation scheme to which the contributions will be directed and to ensure any contributions are sufficient to fully mitigate the impacts of the development on the Solent internationally designated sites.</p>	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Wiltshire Council	Comment	Solent Region International Sites	<p>The NDP does not allocate any sites for development and it is considered that policies EL1, EL2, EL8, HD1, HD2 and HD3 would not result in adverse effects upon the Solent region international sites, notably the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site, alone. This is because any development coming forward as supported by these policies would likely be small-scale development that would not generate significant effects alone. Nonetheless, on the advice of Natural England, it must be assumed that any new development which generates a net increase in nitrogen within the catchment of the River Test, could give rise to significant effects on the integrity of the Solent region international sites when considered in-combination with other plans and projects. Provided the recommendation below is incorporated within the NDP and is adhered to at the planning application stage for any future proposals for development in the NDP area, it is considered possible to conclude, beyond reasonable scientific doubt, that the NDP would not lead to adverse effects on the integrity of the Solent region international sites, notably the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site, or their qualifying features, alone or in-combination with other plans and projects. It is recommended that a dedicated policy and relevant supporting text is included within the West Dean and West Tytherley NDP to highlight that the NDP area lies within the River Test catchment and that mitigation will be essential to ensure compliance with the Habitats Regulations. The recommended policy pertaining to the Solent regional international sites to be included within the NDP should make it clear that adherence with the policy will be essential. It may also be prudent for policies EL1, EL2, EL8, HD1, HD2 and HD3 to be amended to cross reference to the dedicated policy and the need to comply with it, although this is not necessarily critical given that any development proposals should comply with all policies within the NDP in any regard. Suggested explanatory text and policy wording to be incorporated within the NDP is as follows: "(Title) Solent Region International Sites and Nitrogen. Explanatory Text. The whole of the NDP area lies within the catchment of the River Test which flows into the Solent where wildlife of marine, tidal and intertidal areas is protected by a number of international designations. Natural England has advised these designations are being adversely affected by the nutrients associated with sewage and agricultural runoff and that the restoration of these sites partly depends on ensuring new development does not generate any additional nutrient inputs. Natural England is placing particular emphasis on nitrogen as this is considered to have an overriding impact in these saltwater habitats. Hence all development proposals in the NDP area will need to demonstrate they are nitrogen neutral in accordance with Natural England guidance[1]. Wiltshire Council and Test Valley Borough Council who will carry out the necessary assessment of developments under the Habitats Regulations, may require developers to demonstrate that Natural England has assessed and agreed their calculations and mitigation proposals prior to an application being submitted and/or determined. In due course strategic mitigation schemes may become available which enable developers to purchase nitrogen credits to the value of the increased nitrogen levels their developments are calculated to generate. Policy. Applications for development that will result in a net increase in nitrogen reaching the Solent Region International Sites through e.g. additional units of overnight accommodation or increased intensity of farming, shall be accompanied by pre-development and post-development nitrogen budgets and shall be required to demonstrate nitrogen neutrality in accordance with the relevant guidelines where these are available. A detailed mitigation strategy shall also be submitted to the local planning authority demonstrating how nitrogen neutrality shall be achieved prior to first occupation of the development, and how it will be maintained throughout the lifetime of the development and beyond, where the potential for effects would extend beyond the operational phase of the development."</p>	PM33	See text above for full modification	Accept Examiners Modification
Examiners Modification	Modification	Para 5.3.2		PM34	In the keys to the photographs replace views with photographs.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Wiltshire Council	Comment	Para 5.3.3	Paragraph 5.3.3 combines elements of Wiltshire Council's and Test Valley Borough Council's rural exception site policies in a single list, without making it clear which requirements relate to which local authority. Some requirements from Core Policy 44 of the Wiltshire Core Strategy are missing from this list (e.g. the requirement to be within, adjoining or well related to the existing settlement) and some requirements which are not relevant in Wiltshire are stated (e.g. the requirement to consider small business use). It is a concern that trying to combine the requirements of two local planning authorities in this way will weaken the implementation of Core Policy 44 in West Dean. The NDP should make it clear that any application for a Rural Exception Site will be considered in accordance with the Rural Exception Site policy of the relevant local planning authority.	PM35	Delete in their entirety paragraphs 5.3.3, 5.3.4, 5.3.5, 5.3.6 and replace with: 5.3.3 Development Criteria for the Area The NPPF (paras 61-63) states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including those who require affordable housing, families with children, older people, students, people with disabilities, people who rent their homes and people wishing to commission or build their own homes. Both villages have limited stock of smaller and affordable properties. Housing needs in the area are multi-faceted (see para 2.8). It is important to distinguish between: <ul style="list-style-type: none"> • Modest and affordable homes (e.g. for young families and retired persons) which are purchased on the open market but below the average price for the area, and • Housing that is unaffordable for those people identified from the Housing Need Survey and listed on the LPA's Housing Register. Both these requirements will be needed to sustain the neighbourhood but a fair balance has to be struck between them. Community led or supported housing developments should ensure this balance is fully considered by the Parishes. 	Accept Examiners Modification
Examiners Modification	Modification	Para 5.3.4		PM35	5.3.4 Housing Scale and Mix This NDP supports modest development of new, more affordable dwellings while protecting against the loss of existing smaller properties. This NDP provides for some flexibility in the mix by focusing on units of between one and three bedrooms. The supporting evidence is that, in general, the types of sites in the two Parishes which are suitable for development may be in or adjacent to the CAs or constitute infill within a settlement boundary or built-up area. However, any overdevelopment seriously risks materially affecting the character and open nature of the existing settlements in the two Parishes. Extensions to houses in the open countryside to accommodate more persons in a single household do not satisfy the need for smaller separate dwellings to meet the demographic changes anticipated.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Examiners Modification	Modification	Para 5.3.5		PM35	<p>5.3.5 Development Sites Neither of the rural villages has been identified for strategic housing development (see TVBC policy COM2 and WCS policy 23). A development at Church Farm West Tytherley within the conservation area and consisting of thirteen houses, four of which are classified as 'affordable', was approved in 2016 (TVBC Reference No. 16/01607/FULLS). Building has not yet commenced (2021) while a dispute over the status of an existing footpath within the plot remains unresolved. Until recently (2021), in the vicinity of West Dean, albeit in the Parish of West Tytherley, there were two examples of possible sites that might have been supported by the community if all the criteria herein had been met; one at Glebe Farm and the other at Dean Hill Park. The Glebe Farm site has been granted approval (2021) for the construction of a single, large, property despite objection from both Parish councils and without the support of the community. This has removed a valuable site from further consideration. Dean Hill Park remains as a possibility. Any Self-Build proposal, which is in principle encouraged, must meet the requirements of The Self Build and Custom Housebuilding Act 2015 and Housing and Planning Act 2016.</p>	Accept Examiners Modification
Test Valley Borough Council	Comment	Para 5.3.6	<p>• Modest and affordable Smaller homes (e.g. for young families and retired persons those looking to downsize) which are purchased on the open market. but below the average price for the area and • Housing that is unaffordable Affordable homes for those people identified from a "means tested" Housing Need Survey and listed on the LPA's Housing Registers who are unable to afford market homes. The plan cannot influence the sales prices of the properties, and this text should be deleted.</p>	PM35	<p>5.3.6 Affordable Housing on Rural Sites The Wiltshire Rural Exceptions Policy (WCS Core Policy 44) permits affordable housing on rural sites provided:</p> <ul style="list-style-type: none"> • There is clear support from the local community, and it will meet an identified and genuine local need. • It is within, adjoining or well related to the existing settlement. • Employment and services will be accessible from the site. • It consists of 10 dwellings or fewer. • Its scale and type is appropriate to the nature of the settlement and will respect the character and setting of the settlement. • The affordable housing will always be available to meet local need. <p>The Test Valley Rural Exceptions Policy (TVBC Local Plan policy COM8) permits affordable housing on rural sites provided:</p> <ul style="list-style-type: none"> • There is evidence that there is an unmet need within the Parish. • The mix of housing meets the identified need. • It is restricted in perpetuity to households with a connection to the Parish with a housing need. 	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Test Valley Borough Council	Comment	Policy HD1	<p>The wording of the policy in the regulation 14 document is preferred to this wording. Suggest reverting to the original wording of: <i>Provide a mix of housing types, including affordable homes that sustains the current and future needs of the community.</i> The heading of the policy is unduly restrictive and is not consistent with the NPPF or the Local Plan. For example how can an agricultural workers dwelling be a community led development? Development in settlements does not need to be community led in the LP it is as a matter of principle acceptable.</p> <p>The policy as written is also inconsistent with the NPPF.</p> <p>Community led or community supported housing development within or adjoining the settlement boundary or built up area of the villages should include a range of house types (market and affordable) tenures and should be with the majority being one to three bedroom homes. All housing developments should provide accommodation to meet the local needs of downsizers and those with disabilities.</p> <p><i>Housing developments will need to comply with the affordable housing thresholds and requirements in force at the time of the application. Residential development should ensure: Adequate preference is given to anyone, regardless of age, with strong local connections. The criterion for 'local connections' in relation to affordable housing will be those people on the housing register who comply with the provisions of the relevant Councils Local Connection Housing Allocation Policy. Local needs, which cannot be met with existing affordable housing stock within or adjacent to the village, will be addressed based on a current HNS and the Housing Register in both LPAs. Development should include smaller affordable homes with tenure provisions to ensure that they remain affordable in perpetuity or, if for sale, with restrictions to ensure that they remain affordable to future generations. The needs of local retirees, the elderly and people with disabilities should be addressed, thus enabling them to remain independent within their community. Any Self-Build proposal, which is in principle encouraged, meets the requirements of The Self-Build and Custom Housebuilding Act 2015 and Housing and Planning Act 2016.</i> The policy needs to be clear on what would constitute a community-led scheme. The definition on pg. 56 is helpful but leaves open the interpretation on what would benefit the community. The policy seems to rely on the content of TVBLP policy COM9, therefore is there a need for a separate policy if COM9 is adequate? The allocation of affordable homes will be determined in accordance with each councils allocation policy at the time of letting. West Tytherley, Frenchmoor and Buckholt are all within the designated rural area. This ensures al AH is secures in perpetuity, and that owners of shared ownership homes cannot staircase their proportion of ownership up to 100%, therefore maintaining the AH stock. The text on self build could be added to the supporting text signposting to the relevant acts.</p>	PM36	<p>Modify Policy HD1 to read: Policy HD1 Development in and adjacent to the villages should be community led and support a mix of housing types including affordable homes that sustains the current and future needs of the Community Led or Supported Housing Including Affordable Homes Community led or community supported housing development within or adjoining the settlement boundary or built up area of the villages should include a range of house types (market and affordable) with the majority being one to three bedroom homes. Housing developments will need to comply with the affordable housing thresholds and requirements in force at the time of the application. All housing developments should provide accommodation to meet local needs including those downsizing, those employed in the local area and those with disabilities. Residential development should ensure: Delete in their entirety sub-clauses i, ii, iii and iv of the policy.</p>	Accept Examiners Modification
Examiners Modification	Modification	Policy HD2		PM37	Replace the policy title with: HD2 Infill Sites.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy HD2	<p>Within the settlement boundary of West Tytherley and the built up frontage of the Wiltshire part of West Dean two core villages (built up areas) and outlying settlements such as Frenchmoor, further development will be considered on brownfield sites and suitable small infill sites (i.e. sites within a continuously developed road frontage, with direct but safe access to the road) for housing or small business needs. Infill is not permitted in Frenchmoor, as there is not settlement boundary and therefore is considered as countryside, where there is a presumption against development, other than for specific purposed as identified in TVBC LP policy COM 2. <i>'Sites within a continuously developed road frontage'</i> What is the evidence for this definition. The local plan does not define this but in COM2 states: 'within the boundaries of the settlements The principle of development and redevelopment will be permitted provided its appropriate to the other policies of the local plan.' <i>All the Criteria in the policy.</i> This is addressed in TVBC LP policy LHW4 on Amenity, and as this does not add any additional locally distinctive criteria, does not need repeating in this plan. What is meant by overpowering structures, an aggravating boundary? Restricted access? Light blocking? All development will block light to some degree.</p> <p>(v) This is a building regulation matter (vi)What are other conflicting utility provisions and how would this be assessed?</p>	PM38	<p>Modify the second sentence to read: Any proposed infill development should ensure that the living conditions of immediate neighbours are not adversely affected. due to i. Overlooking and overpowering structures ii. Ill defined or aggravating boundaries including trees and hedges iii. Light blocking iv. Restricted access v. Inadequate drainage or sewage for the additional structure vi. Other conflicting utility provision</p>	Accept Examiners Modification
Examiners Modification	Modification	Policy HD3		PM39	Replace the policy title with: HD3 Replacement or additions to existing buildings/gardens and Heritage Assets.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Wiltshire Council	Comment	Policy HD3	The wording for this policy and its title appears confused and unclear, by mixing residential use with business uses. Does the policy mean to refer to ancillary residential uses such as home working, home offices and businesses being run from the home? The term "business buildings" is likely to be confusing to applicants and may be misapplied to buildings for fully commercial business uses which are incompatible with residential areas. This raises a number of questions. How does HD2 (infill development) relate to HD3 (new dwellings in existing gardens) when proposals for new dwellings come forward? What happens if an applicant applies for a new dwelling in a secluded garden outside the settlement boundary under HD3, which does not comply with the infill development requirements of HD2 ie not a continuously developed road frontage. This could raise potential policy conflict within the draft NDP. The policy part (v) appears to reflect the wording of the policy in WCS saved policy H33. However, the use of a Section 106 Agreement to tie the use to a main house within the countryside is no longer used and has been superseded by the use of conditions to tie ancillary accommodation to the main dwelling. This part of the policy should either be removed or re-worded. Similarly to Policy HD2 above, the summary at the end of the draft NDP needs to mention Wiltshire Core Strategy saved policy H33:	PM40	Modify the sentence below (vii) in policy HD3 to read: Proposals to create a separate unit of accommodation for dependent persons or business ancillary use will be supported ...	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy HD3	<i>Development proposals for new dwellings on sites that form part of an existing residential garden, or group of gardens, must should:</i> i. Conserve Respect and compliment the character of the surrounding area. ii. Meet policy requirements for materials and design. iii. Provide garden space around all buildings and where appropriate including any trees that are identified in Policy EL5 as appropriate to the area. iv. Retain existing features such as trees, valued hedgerows and walls that are characteristic of the streetscape and the local area. v. Provide amenity space, vehicular access and onsite parking both for the new development and existing dwelling(s) on the site. (See also policy IC3). Parking standards are addressed in both Local Plans - please see comments on Policy IC3. Criteria vi and vii)) This is addressed in TVBC LP policy LHW4 on Amenity, and as this does not add any additional locally distinctive criteria, does not need repeating in this plan. What do the words overdevelopment and 'cramping; mean and how would this be assessed? <i>Proposals to create separate unit accommodation for dependent persons or business use will be supported provided that:</i> This needs to be in a separate policy for businesses. <i>Criteria a, b and c)</i> This requires a design that will allow the annexe to be re-absorbed into the main dwellinghouse when no longer required as annexe, what is meant by this? How could this be achieved without moving the location of the annexe?	PM40	Modify the sentence below (vii) in policy HD3 to read:Proposals to create a separate unit of accommodation for dependent persons or business ancillary use will be supported ...	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy HD3	<i>Development proposals for new dwellings on sites that form part of an existing residential garden, or group of gardens, must should:</i> i. Conserve Respect and compliment the character of the surrounding area. ii. Meet policy requirements for materials and design. iii. Provide garden space around all buildings and where appropriate including any trees that are identified in Policy EL5 as appropriate to the area. iv. Retain existing features such as trees, valued hedgerows and walls that are characteristic of the streetscape and the local area. v. Provide amenity space, vehicular access and onsite parking both for the new development and existing dwelling(s) on the site. (See also policy IC3). Parking standards are addressed in both Local Plans - please see comments on Policy IC3. Criteria vi and vii)) This is addressed in TVBC LP policy LHW4 on Amenity, and as this does not add any additional locally distinctive criteria, does not need repeating in this plan. What do the words overdevelopment and 'cramping; mean and how would this be assessed? <i>Proposals to create separate unit accommodation for dependent persons or business use will be supported provided that:</i> This needs to be in a separate policy for businesses. <i>Criteria a, b and c)</i> This requires a design that will allow the annexe to be re-absorbed into the main dwellinghouse when no longer required as annexe, what is meant by this? How could this be achieved without moving the location of the annexe?	PM41	Modify the final requirement of policy HD3 to read: The applicant either enters into a legal agreement with the LPA or a A condition is applied ...	Accept Examiners Modification
Examiners Modification	Modification	Para 5.3.11		PM42	Delete the second and third paragraphs under 'Design Materials' on page 39 and insert a new sub-paragraph under the first paragraph of 5.3.11: Further guidance on quality of development required, especially design of buildings is provided by Test Valley Local Plan and Wiltshire Core Strategy. The design guidelines in the document cover materials, roofs and eaves, walls and	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
					boundaries, windows and other associated issues such as avoiding uniform rows, adequate access, off street parking, space and gardens, open landscape and protecting views. Design guidelines as illustrated in the WDVDS, are adopted in this NDP to cover both parishes. Developments with contemporary design appropriate to their location in or outside the conservation area and with access appropriate to their rural setting will be supported providing they are accompanied by an acceptable design and Access Statement. The National Design Guide sets out 10 characteristics that should be given consideration when planning development. These include Context, Movement, Nature, Built Form, Identity, Public Space, Homes and Buildings, Uses, Resources and Lifespan. Further advice is found in the National Model Design Code. Some of these characteristics are found in the West Dean VDS and also in the context part of this Plan at sections 1 and 2. Developments with contemporary design appropriate to their location will be supported providing they are accompanied by a Design and Access Statement which meets the criteria in the National Model Design Code and the policies herein.	
Examiners Modification	Modification	Policy HD4		PM43	Replace the policy title with: HD4 Design .	Accept Examiners Modification
Examiners Modification	Modification	Policy HD4		PM44	Modify the last sentence of introductory paragraph of policy HD4 to read: Proposals will be expected to reflect the advice in the National Model Design Code and the WDVDS and demonstrate the following:	Accept Examiners Modification
Wiltshire Council	Comment	Policy HD4	(ii) The wording of "reused tiles in A1 condition" is unacceptable and would not be enforceable if this requirement is breached by a development. "A1" is generally regarded as brand new condition, which is surely not what is required, as old tiles are reused for the weathered texture and visual appearance. We suggest deleting "in A1 condition."	PM45	Modify the end of last sentence to read: ... including suitable reused tiles in A1 condition would be acceptable.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy HD4	Criteria ii) including reused tiles in A1 condition Reused tiles are not always appropriate to use and how would A1 condition be assessed? Criteria v) would benefit from being split out. What does 'make use of' mean in planning terms? Reference to renewables and water is more aspirational rather than policy. What is the criterion trying to achieve, and how does this fit with national policy?	PM45	Modify the end of last sentence to read: ... including suitable reused tiles in A1 condition would be acceptable.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy HD4	and those features and characteristics included in the WDVDS (They apply across the whole NDP area). If the text of the VDS is added to the supporting text, then this text will not be needed and can be deleted. Criteria i) What constitutes a low roofline? How is it defined when determining a planning application? If this policy relates to an extension it will need to relate to the parent building. Criteria v) would benefit from being split out. What does 'make use of' mean in planning terms? Reference to renewables and water is more aspirational rather than policy. What is the criterion trying to achieve, and how does this fit with national policy?	PM46	Insert (as illustrated in the WDVDS) after 'low roof lines'.	Accept Examiners Modification
Examiners Modification	Modification	Policy HD5		PM47	Replace the policy title with: HD5 Landscaping .	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Test Valley Borough Council	Comment	Policy HD5	Maintain and or enhance the rural character of the two villages by integrating soft landscaping in new developments Criteria c) This should be relocated to policy HD2. Developers will be required to submit a landscape scheme will to accompany all development proposals., particularly those in sensitive locations. This criteria may be unreasonable as there will be cases where a landscaping scheme is not required and can be dealt with by condition.	PM48	Modify the end of policy HD5 to read: Developers will be required to submit a landscape scheme to accompany all development proposals., particularly those in sensitive locations.	Accept Examiners Modification
Examiners Modification	Modification	Policy HD6		PM49	Replace the policy title with: HD6 Blue Infrastructure and Flood Avoidance.	Accept Examiners Modification
Examiners Modification	Modification	Policy HD6		PM50	Insert a new sentence after the end of the first sentence in policy HD6 to read: ... and drainage issues. Water infrastructure provided by an appropriate statutory undertaker may, in exceptional circumstances, be supported where particular locational needs for essential engineering works in a flood zone have been clearly demonstrated.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy HD6	No development will be accepted in Flood Zones 2 and 3. This is in conflict with and is dealt with in the NPPF and therefore does not need repeating in the plan. Any development in areas adjacent to Flood Zones 2 and 3, whether from the River Dun or high groundwater levels throughout the NDP area should provide fully costed flood management measures to prevent harm to the blue infrastructure generally and avoid an increased risk of flooding throughout the two parishes and in particular in the two CAs. The Environment agency up to date flood zone maps, or data from a SFRA is used to determine what is within the Flood Zones. This would not include land adjacent to the Flood Zones 2 and 3. The council cannot require the submission of fully costed management measures. The Council can seek flood mitigation measures where it is required but the cost is not a planning matter. <i>Systems that retain rainwater for domestic use are encouraged.</i> This is more of an aspiration rather than a policy and would be difficult to require.	PM51	Delete the second and third clauses of the policy: No development will be accepted in Flood Zones 2 and 3. Any development in areas adjacent to Flood Zones 2 and 3, whether from the River Dun or high groundwater levels throughout the NDP area should provide fully costed flood management measures to prevent harm to the blue infrastructure generally and avoid an increased risk of flooding throughout the two Parishes and in particular the two CAs.	Accept Examiners Modification
Examiners Modification	Modification	Policy IC1		PM52	Replace the policy title with: IC1 Infrastructure.	Accept Examiners Modification
Wiltshire Council	Comment	Policy IC1	It may not be possible under the legislation to accept a condition which states that all contributions are used in this way, but this may be more of an issue for Test Valley Borough Council. It would be better if this policy reflected the NPPF wording and tests set out under para 57 ie: Planning obligations must only be sought where they meet all of the following test 26:a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development 26 Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010	PM53	Delete the last sentence: Ensure all financial contributions received by the Parish Council from developments (S106 and/or CIL) are used on projects and initiatives that benefit the community directly in particular the settlement in which the development is situated.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC1	This is not a land use planning issue, as it concerns how the Parish Councils will spend any CiL monies that they receive. Therefore, this would benefit from being moved into the community projects as aspirations section. This is also addressed in both the Local Plans in policies CP3 and COM15 and as this is not adding any locally distinctive element, should be deleted or moved to the community projects as aspirations section.	PM53	Delete the last sentence: Ensure all financial contributions received by the Parish Council from developments (S106 and/or CIL) are used on projects and initiatives that benefit the community directly in particular the settlement in which the development is situated.	Accept Examiners Modification
Examiners Modification	Modification	Policy IC2		PM54	Replace the policy title with: IC2 Public Rights of Way.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC2	Bullet 1) This is addressed in TVBC LP policy T1 on Managing movement and WCS CP61 on transport and new development and does not need repeating here. It could be moved to the supporting text to signpost to both Local Plan polices on this issue. Bullet 2) This could apply to employment as well as housing, therefore 'all' development would be more appropriate	PM55	Modify the start of the second clause to read: All future housing New developments must take full account ...	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Examiners Modification	Modification	Policy IC2		PM56	Modify clause 3 to read: Development proposals that would diminish reduce public access to the countryside will not be supported.	Accept Examiners Modification
Examiners Modification	Modification	Policy IC3		PM57	Replace the policy title with: IC3 Parking .	Accept Examiners Modification
Wiltshire Council	Comment	Policy IC3	It is noted that the parking standards in Policy IC3 differ from Wiltshire Council's parking standards. The additional parking spaces required will have an impact on the number of housing units that could be developed, for example, on a Rural Exceptions Site. This policy also refers to avoidance of on street parking. Development cannot "avoid on street parking" as visitors/deliveries etc will all park on the road as they are entitled to do by law! It should say is that new development should meet on site parking standards in order to limit on street parking. Whilst the aim of the policy is supported, there is no mandate or policy currently to enforce or insist upon the policy requirements and developers may well refuse to deliver.	PM58	Modify the first sentence to read: All n New residential-development including alterations and extensions which provide extra bedrooms must will be required to provide resident and visitor car parking spaces on-site and avoid on-street parking especially that restricts free flow of traffic. in accordance with the standards set out in the relevant Local Plan. Consequently, delete from the policy: The following parking standards apply: 1 to 2 bed: 2 spaces per unit 3 to 4 bed: 3 spaces per unit	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC3	All n New residential-development including alterations and extensions which provide extra bedrooms will be required to must provide resident and visitor car parking in accordance with the standards set out in the relevant Local Plan. spaces on-site and avoid on-street parking especially that restricts free flow of traffic. This is an unreasonable requirement for extensions and alterations. Car parking standards. What is the evidence for these standards? These are higher than the TVBC LP standards and the Wiltshire standards in LTP3, which are 1 space per 1 bed unit 2 spaces per 2 and 3 bed unit 3 spaces per 4 bed unit. Second paragraph. Not all developments will require a transport assessment. The governments guidance on Travel Plans, Transport Assessments and Statements states that 'Where the transport impacts of development are not significant, it may be that no Transport Assessment or Statement or Travel Plan is required'. What does 'parking stress' mean and how would this be measured ?	PM58	Modify the first sentence to read: All n New residential-development including alterations and extensions which provide extra bedrooms must will be required to provide resident and visitor car parking spaces on-site and avoid on-street parking especially that restricts free flow of traffic. in accordance with the standards set out in the relevant Local Plan. Consequently, delete from the policy: The following parking standards apply: 1 to 2 bed: 2 spaces per unit 3 to 4 bed: 3 spaces per unit	Accept Examiners Modification
Wiltshire Council	Comment	Policy IC3	At planning application stage, officers would normally request the consideration of EV charging units per dwelling of any significant new development.	PM59	Modify the third sentence to read: Electric-vehicle Infrastructure for electric charging-points is are mandatory on site.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC3	The wording should be for infrastructure for electric charging rather than points as all providers have different charging points.	PM59	Modify the third sentence to read: Electric-vehicle Infrastructure for electric charging-points is are mandatory on site.	Accept Examiners Modification
Examiners Modification	Modification	Policy IC3		PM60	Modify the start of the last paragraph to read: Development proposals will that will that increase the number of access points and involve an increase in traffic generation and therefore must demonstrate	Accept Examiners Modification
Hampshire County Council - Highways	Support	Policy IC4	This is supported and the County Council would encourage the Parish Council to discuss the options to achieve this with Hampshire County Council's Passenger Transport team.	PM61	Delete the entire policy.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC4	This is not a land use planning matter and therefore would sit better in the community aspirations section.	PM61	Delete the entire policy.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Hampshire County Council - Highways	Comment	Policy IC5	Proposals for traffic calming would need to be in line with the County Council's Traffic Management Policy. This is available at https://www.hants.gov.uk/transport/roadsafety/makingroadssafer . If the proposals do not meet this policy, the Parish Council could seek to implement some light touch traffic calming measures through a Community Funded Initiative. For more information regarding CFI's, please contact Hampshire County Council's Traffic Management team. The County Council would again encourage evidence gathering of the increases in weight and volume of traffic.	PM62	Delete the entire policy.	Accept Examiners Modification
Wiltshire Council	Comment	Policy IC5	The policy wording seems to suggest that there already is a current safety issue. Traffic calming is a broad area and it may be better to suggest "traffic management" in the text, as "calming" often suggest speed humps / cushions which are not the council's preferred method. Consideration is given to pedestrian safety and parking at the planning application stage and developers have to undertake a Transport Appraisal or Assessment. Both these documents consider the impact of extraneous traffic but any significant development would inevitably generate extra vehicles on the local network. It would be difficult to assess the impact on parking at these destinations as this would be a behavioural science regarding the residents' decision to use their cars.	PM62	Delete the entire policy.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC5	This is addressed in Policy IC2 and does not need repeating, and can therefore be deleted. It is inevitable that additional dwellings will increase traffic and use of local facilities but those facilities have their own car parking provision. Applicants have no control over this the consequence being that no development will comply with policy. This is not acceptable and should be deleted.	PM62	Delete the entire policy.	Accept Examiners Modification
Examiners Modification	Modification	Para 5.4.4		PM63	Delete all the last section of paragraph 5.4.4 with the exception of the first sentence which starts 'The NPPF' and ends with 'social well-being'.	Accept Examiners Modification
Examiners Modification	Modification	Policy IC6		PM64	Replace the policy title with: IC6 Utilities and Services.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC6	Utility providers have a duty to provide facilities and connections for new and existing premises. This Policy refers to the potential impact resulting from utility connections but this is not usually within the remit of the LPA. Policy also refers to the requirement for all development to provide infrastructure for broadband connection but not all development will be residential or commercial in nature. Also query whether this is reasonable to make development acceptable in planning terms. Bullet 1) This is addressed in policy HD2 and the Local plan policies and does not need repeating here. Bullet 2) <i>does not cause damage to, or reduce the effectiveness.</i> How will this be assessed? <i>or cause harm to the Conservation Areas or Heritage sites.</i> This would be assessed by the relevant policies in each Local Plan on Heritage, and does not need repeating here. Bullet 3) This could be moved to Policy HD4 which covers design and energy efficiency, and does not need to be repeated here. Bullet 4) <i>Mobile connectivity, including 5G when introduced nationally, will be essential.</i> This is a matter for the Mobile Operators, which may be achieved within their permitted development rights. This could be moved into the supporting text. Bullet 5) <i>Particular care should be taken in any renewable project to mitigate the impact of power lines and pylons and sub stations on surrounding countryside and views.</i> There are no criteria for the siting of renewable energy projects, however this covers the power lines and pylons. This would be assessed as part of any application for a renewable project, and due to the absence of any criteria for the installation itself, therefore this element should be deleted.	PM65	Modify policy IC6 by deleting all of clause v: Particular care should be taken in any renewable project to mitigate the impact of power lines and pylons and sub stations on surrounding countryside and views.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Wiltshire Council	Comment	Policy IC7	The wording of “development proposals within existing businesses” should be re-worded to be “within existing employment premises or commercial sites,” as planning permission runs with the land use and not the individual business or occupier. The reference under (v) to social distancing has already been superseded and this should be removed.	PM66	Delete all of policy IC7.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC7	All of West Dean and outside the settlement boundary of West Tytherley is considered the countryside. Therefore TVBCLP policy LE17 on existing sites would apply, as would LE16 on the reuse of buildings. As would WCS CP35 on existing employment sites and CP48 on reuse of buildings. As this policy doesn't add any locally distinctive criteria and is covered by existing policies, it is not required and should be deleted. The local plan polices could be signposted in the supporting text. The policy covers all commercial development however the individual criterion need to have and/or as they will not all be relevant to every development. For example criterion (ii) requires development to support farming in agricultural areas. This policy is supporting new business development in the countryside which is not consistent with the LP. The first sentence of the policy is unclear, it would add clarity if the it referenced employment sites (i)how do we ensure a business employs local people? (ii)what does that mean? (iii)what does that mean and how do we ensure local people are involved (iv)what does that mean and ventilation is not a planning matter (v)what is a co working space? Where are 'new small-scale businesses' allowed to be located? I think this policy needs to link into and/or quote the more strategic policies to clarify.	PM66	Delete all of policy IC7.	Accept Examiners Modification
Test Valley Borough Council	Comment	Para 5.4.7	Community Assets Facilities Registering these assets as ACVs under the Localism Act requires a process under the aegis of the PC or voluntary body. ACV and other Treasured and Heritage Assets are identified herein but with the exception of Local Green Spaces, the NDP is not the primary route to registration. It adds support through its evidence base. Registration of an ACV acts as a flag and reinforces refusal for a change of use. This is not the purpose of registering an asset of community value. If a facility has been registered, it ensures that the community are given a 6 month opportunity to purchase the asset for the benefit of the public. It does not reinforce the refusal for a change of use. Polices CP49 and COM14 in the local plans would be used to determine a loss of a community facility.	PM67	Modify the sub-heading above paragraph 5.4.7 to Community Assets and Activities.	Accept Examiners Modification
Examiners Modification	Modification	Policy IC8		PM68	Replace the policy title with: IC8 Community Assets and Activities.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC8	This is covered by WCS CP49 and COM14 in the TVBC plan, and so a policy is not required. This is a statement of the mechanisms involved in securing Education contributions rather than a policy. This should be added to the supporting text and removed from the policy.	PM69	Delete clause i from the policy: The Plan promotes provision for education places for every child in the parishes. Developer contributions (Community Infrastructure Levy, Section 106 payments or any mechanism) may be used to help fund appropriate modifications and/or extensions to education or other facilities if required.	Accept Examiners Modification

Consultee	Support / object / comment	Section / Policy / Paragraph.	Comments	Ref	Examiners Recommendation	Proposed Modification
Hampshire County Council - Property	Comment	Policy IC8	Hampshire County Council (HCC) notes that the accompanying text Policy IC8(ii) appears to be inconsistent with the adopted Policy COM14 in the Test Valley Borough Council (TVBC) Local Plan. TVBC Policy COM14 (extract) states that "Development involving the loss of cultural and community facilities and places of worship will be permitted if it can be demonstrated that: d) there is no longer a need for that facility for its existing use or another community use; or e) the building can no longer provide suitable accommodation". This policy provides flexibility to potential change of use of a community facility, should it satisfactorily demonstrate that the facility is no longer required, or the building is no longer suitable. HCC considers that the proposed Policy IC8 (ii), which does not afford any flexibility to the potential loss of community facility through change of use, are not consistent with the adopted Policy COM14, and therefore is not considered a 'sound' policy (according to National Planning Policy Framework, para. 35-36). HCC in its role, as service provider, support the presumption to retain existing community facilities and services for the benefits of local communities. As service provider and landowner, HCC has an ongoing review process to assess the services it provides as part of a strategy of service-driven improvements. This can sometimes potentially result in the relocation and/or re-provision of services to an alternative location to continue to meet operation needs. A policy approach that is too stringent could hinder public service providers, such as the County Council, in being effective in delivering and transforming community. HCC would therefore suggest that the Policy IC8(ii) to be revised and include an element of flexibility consistent to the adopted Policy COM14.	PM70	Modify the last sentence of clause ii to read: However, any proposals that will result in either the loss of an Asset of Community Value or in significant harm to the integrity of an Asset of Community Value will not be supported, unless there is conclusive evidence that the retention of the Asset would not be viable.	Accept Examiners Modification
Test Valley Borough Council	Comment	Policy IC8	This is covered by WCS CP49 and COM14 in the TVBC plan, and so a policy is not required. Criteria (ii) is too restrictive - what happens if the business is unviable?	PM70	Modify the last sentence of clause ii to read: However, any proposals that will result in either the loss of an Asset of Community Value or in significant harm to the integrity of an Asset of Community Value will not be supported, unless there is conclusive evidence that the retention of the Asset would not be viable.	Accept Examiners Modification
Examiners Modification	Modification	Para 8.3		PM71	Modify the last sentence of paragraph 8.3 to read: The Parish Councils will be particularly concerned to judge monitor whether its policies are being effectively applied in the planning decision process.	Accept Examiners Modification
Mr Morgan	Comment	Map B1	The inclusion of 16 maps each titles "West Dean Village Green" is confusing at best, possibly misleading. Following discussions with I have been informed that only the final map which shows the "Public Green Space and Rights of Way" will be included as this reflects the Definitive Map. How a footbridge can be included as Green Space I do not understand as it is not "Land"; it should be described as Footpath 22.	PM72	Modify the title of the Map to read: Local Green Space 1: West Dean Village Green. Remove the green colouring from the footbridge.	Accept Examiners Modification
Test Valley Borough Council	Comment	Appendix B4	Heritage Sites Assets and Treasured Community Assets Facilities (Designated and Non-designated) The table would benefit from being split out into the Heritage Assets and Community Facilities.	PM73	Review Table B4 to make it clear which are designated assets, which are non-designated assets and which are Treasured Assets.	Accept Examiners Modification
Bentley Wood Trust	Comment	Appendix B4	Heritage Sites and Treasured assets B4 The omission of Bentley Wood from the list of heritage sites in annexe B4 needs to be rectified and we would urge you to ensure that this happens. Bentley Wood should be accorded the highest possible status in the list of Heritage Sites and Treasured Assets (Appendix B4) within the plan given its nationally important status as an SSSI and as one of the largest ancient woodland complexes in lowland England. It appears to be missing from the list of such assets and this needs to be corrected. This appears to be an error given that Frenchmoor Copse does appear. Frenchmoor Copse is a detached woodland owned and managed by the Bentley Wood Trust. The wood is a key asset used for recreation and the enjoyment of nature for the people of the area and the mandate of the Trust is to ensure that it is managed to ensure access and enjoyment is sustained in perpetuity. The wood also provides employment for at least 3 full time equivalent posts, as well as supporting a very wide range of rare and declining wildlife species such as dormouse, many butterfly species and rare birds.	PM74	Include Bentley Wood in the Table of assets.	Accept Examiners Modification
Friends and Trustees of Bentley Wood	Comment	Appendix B4	Add 'Bentley Wood' to 'Frenchmoor Copse'	PM74	Include Bentley Wood in the Table of assets.	Accept Examiners Modification

